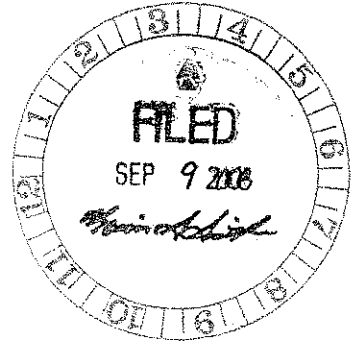


In the
Indiana Supreme Court

CAUSE NUMBER: 94S00-0801-MS- 15



ORDER AMENDING RULES FOR ADMISSION TO THE BAR
AND THE DISCIPLINE OF ATTORNEYS

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 3, 6, 23 § 27, and 29 of the *Indiana Rules for Admission to the Bar and the Discipline of Attorneys* is amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

**INDIANA RULES FOR ADMISSION TO THE BAR
AND THE DISCIPLINE OF ATTORNEYS**

...

Rule 3. Admission of Attorneys

Section 1. Admission of Attorneys.

The Supreme Court shall have exclusive jurisdiction to admit attorneys to practice in Indiana. Admission to practice law by the Court pursuant to Rule 21 shall entitle attorneys to practice in any of the courts of this state.

Section 2. Temporary Admission on Petition.

(a) Requirements for Temporary Admission on Petition.

The Supreme Court, the Court of Appeals, the Tax Court, or a trial court, of this state, in the exercise of discretion, may permit a member of the bar of another state or territory of the United States, or the District of Columbia, not admitted pursuant to Rule 21, to appear in any particular proceeding, only if the court before which the attorney wishes to appear determines that there is good cause for such appearance and that each of the following conditions is met:

- (1) A member of the bar of this state has appeared and agreed to act as co- counsel.
- (2) The attorney is not a resident of the state of Indiana, regularly employed in the state of Indiana, or regularly engaged in business or professional activities in the state of Indiana.

(3) The attorney has made payment to the Clerk of the Supreme Court an annual registration fee in the amount set forth in Admission and Discipline Rule 2(b), accompanied by a copy of the Verified Petition for Temporary Admission that the attorney intends to file pursuant to subdivision (4) below. Upon receipt of the registration fee and petition, the Clerk of the Supreme Court will issue a temporary admission attorney number and payment receipt to the attorney seeking admission. If the attorney's verified petition for temporary admission is thereafter denied, the attorney shall provide a copy of the order denying temporary admission to the Clerk of the Supreme Court, and the Clerk shall issue a refund of the registration fee.

(4) The attorney files a verified petition, co-signed by co-counsel designated pursuant to subdivision (a)(1), setting forth:

- (i) The attorney's residential address, office address, and the name and address of the attorney's law firm or employer, if applicable;
- (ii) The states or territories in which the attorney has ever been licensed to practice law, including the dates of admission to practice and any attorney registration numbers;
- (iii) That the attorney is currently a member in good standing in all jurisdictions listed in (ii);
- (iv) That the attorney has never been suspended, disbarred or resigned as a result of a disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction; or, if the attorney has been suspended, disbarred or resigned from the practice of law, the petition shall specify the jurisdiction, the charges, the address of the court and disciplinary authority which imposed the sanction, and the reasons why the court should grant temporary admission notwithstanding prior acts of misconduct;
- (v) That no disciplinary proceeding is presently pending against the attorney in any jurisdiction; or, if any proceeding is pending, the petition shall specify the jurisdiction, the charges and the address of the disciplinary authority investigating the charges. An attorney admitted under this rule shall have a continuing obligation during the period of such admission promptly to advise the court of a disposition made of pending charges or the institution of new disciplinary proceedings;
- (vi) A list of all proceedings, including caption and cause number, in which either the attorney, or any member of a firm with which the attorney is currently affiliated, has appeared in any of the courts of this state during the last five years by temporary admission.

(vii) Absent good cause special circumstances, repeated appearances by any person or by members of a single law firm pursuant to this rule shall be cause for denial of the petition;

(vii) A demonstration that good cause exists for the appearance. ~~Good cause~~ shall include at least one of the following:

- (a) the cause in which the attorney seeks admission involves a complex field of law in which the attorney has special expertise,
- (b) there has been an attorney-client relationship with the client for an extended period of time,
- (c) there is a lack of local counsel with adequate expertise in the field involved,
- (d) the cause presents questions of law involving the law of the foreign jurisdiction in which the applicant is licensed, or

(e) such other reason similar to those set forth in this subsection as would present good cause for the temporary admission.

(viii) A statement that the attorney has read and will be bound by the Rules of Professional Conduct adopted by the Supreme Court, and that the attorney consents to the jurisdiction of the State of Indiana, the Indiana Supreme Court, and the Indiana Supreme Court Disciplinary Commission to resolve any disciplinary matter that might arise as a result of the representation.

(ix) A statement that the attorney has paid the registration fee to the Clerk of the Supreme Court in compliance with subdivision (a)(3) of this rule, together with a copy of the payment receipt and temporary admission attorney number issued by the Clerk of the Supreme Court pursuant to subdivision (3).

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(f) *Scope and Effect of Automatic Exclusion from Practice Within the State.*

(1) When an attorney is automatically excluded from practice within the state under Section 2(b) or (c), any further action taken by that attorney in any case in the state shall constitute the unauthorized practice of law.

(2) An attorney may seek relief from the automatic exclusion from practice within the state by filing a "Petition for Relief from Automatic Exclusion" with the Supreme Court. The petition shall be captioned: "In re Temporary Admission of [Attorney's name]." The petition shall describe the circumstances causing the exclusion, shall list all pending cases, including court and case number, in which the attorney had been granted temporary admission prior to the automatic exclusion, and shall be accompanied by a "Notice of Temporary Admission" if the exclusion is under Section 2(b) or a renewal admission fee, together with a delinquent fee in the amount of one hundred and fifteen dollars (\$115.00), if the exclusion is under Section 2(c).

(3) If the Supreme Court grants the petition, the exclusion from practice shall be lifted and the Clerk of the Supreme Court shall notify all courts in which the attorney had been granted temporary admission to practice in cases pending at the time of the automatic exclusion. Unless the Supreme Court directs otherwise, all actions taken by the attorney during the period of automatic exclusion from practice shall be deemed valid to the extent the actions would have been valid if the attorney had not been subject to automatic exclusion. However, the attorney remains subject to a charge of the unauthorized practice of law for actions taken during the automatic exclusion.

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Rule 6. Admission on Foreign License

Section 1. Provisional License.

A person who has been admitted to practice law in the highest court of law in any other state (herein defined as state or territory of the United States or the District of Columbia), may be granted a provisional license to practice law in Indiana upon a finding by the State Board of Law Examiners that said person has met each of the following conditions:

(a) The applicant has actively engaged in the practice of law for a period of at least five (5) of the seven (7) years immediately preceding the date of application. "Actively engaged in the practice of law" shall mean:

- (i) performing legal services for the general public as a lawyer for at least 1,000 hours per year; or
- (ii) employment by a state or local governmental or business entity as a lawyer performing duties for which admission to the practice of law is a prerequisite for at least 1,000 hours per year; or
- (iii) performing the duties of a teacher of law on a full-time basis in an ABA accredited law school; or
- (iv) serving as a judge of a court of record on a full-time basis; or
- (v) serving on a full-time salaried basis as an attorney with the federal government or a federal governmental agency including service as a member of the Judge Advocate General's Department of one of the military branches of the United States; or
- (vi) a combination of the above.

(b) The practice of law must have been in the jurisdiction state where the applicant is licensed and during the period of licensure unless the practice falls under (iii) or (v) above. Practice under a business counsel license admission as defined in Section 2 ~~shall~~may apply toward years of practice for a maximum of five (5) years so long as the applicant meets all of the requirements of this Section 1 and the application for provisional license admission is made within seven (7) years of the grant of the initial business counsel license.

(c) The applicant is a member in good standing of the bar(s) of admission.

(d) The admission of the applicant is in the public interest.

(e) The applicant meets the character and fitness requirements of Indiana.

(f) The applicant has paid or tendered the required fee.

(g) The applicant has not failed the Indiana Bar Examination within five (5) years of the date of application.

(h) The applicant has graduated from an ABA accredited law school.

(i) The applicant has filed an affidavit of the applicant's intent to engage in the practice of law as defined in Section 1(a) predominantly in Indiana. "Predominantly" means that the applicant's practice in Indiana must exceed, or be equal to, his or her practice in all other jurisdictions combined.

Section 2. Business Counsel License.

A person who has been admitted to practice law in the highest court of law in any other state who becomes a resident of Indiana to accept or continue employment by a person or entity engaged in business in Indiana other than the practice of law, whose practice complies with Section 1(a)(ii), and is, or will be, devoted solely to the business of such employer, and who receives, or will receive, his or her entire compensation from such employer for applicant's legal services, may be granted a business counsel license to practice law in Indiana, without examination, so long as:

- a) such person remains in the employ of, and devotes his or her time as set forth in Section 1(a)(ii) to the business of, and receives compensation for legal services from no source other than applicant's said employer;
- b) the applicant is a member in good standing of the bar(s) of admission;
- c) the admission of the applicant is in the public interest;
- d) the applicant meets the character and fitness requirement;
- e) the applicant has paid or tendered the required fee; and.
- f) the applicant has not failed the Indiana Bar Examination within five (5) years of the date of application; ~~and; and.~~
- ~~g) the applicant has graduated from an ABA accredited law school the applicant has graduated from an ABA accredited law school.~~

Upon the transfer of such employment outside the State of Indiana, the right to practice law in Indiana shall terminate. Upon the termination of such employment, the right to practice law in Indiana shall terminate unless 1) such business counsel license admittee has secured employment from another person or entity within three (3) months of their termination, which employment meets the criteria of Section 2; or 2) such business counsel license admittee shall have been admitted to practice law in this state pursuant to some other rule.

Section 3. Fees.

The applicant shall submit his application accompanied by a fee of eight hundred dollars (\$800.00). The Executive Director of the Board may refer said application to the National Conference of Bar Examiners for investigation and report. The Board is authorized to pay all expenses incident to the investigation of the qualifications of the applicant. However, in the event said application is considered and denied by the Board prior to referral to the National Conference, the Board is authorized to refund to the applicant one half (1/2) of the application fee. No part of the application fee shall otherwise be refunded.

Section 4. Renewal of Provisional License and Business License.

A provisional license admission on a foreign license may continue in force for one year, and may be renewed for a like period upon the submission of such verified individualized information as will demonstrate to the satisfaction of the Board that the applicant has during the past year been both (a) engaged in the practice of law as defined in Section 1(a), and (b) predominantly in Indiana. Each application for renewal of provisional license admission shall be accompanied by a fee of fifty dollars (\$50.00). Upon the fifth consecutive renewal of the provisional license granted to the applicant, the admission to practice shall be permanent. A business counsel license may continue in force for one year, and may be renewed for a like period ~~for a maximum of four (4) additional years~~ upon the submission of such verified individualized information as will demonstrate to the satisfaction of the Board that the applicant has during the past year been employed under the terms of the business counsel license and will continue to be so employed. A fee of fifty dollars (\$50) shall accompany each application for renewal of a business counsel license.

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Rule 23. Disciplinary Commission and Proceedings

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Section 27. Attorney Surrogates

(a) Definitions for purposes of this section only:

“Attorney Surrogate” means a senior judge certified by the Indiana Judicial Nominating Commission or another member of the bar of this State, in good standing, who has been appointed by a court of competent jurisdiction to act as an attorney surrogate for a lawyer.

“Court of competent jurisdiction” means a court of general jurisdiction in the county in which a Lawyer maintains or has maintained a principal office.

“Disabled” means that a Lawyer has a physical or mental condition resulting from accident, injury, disease, chemical dependency, mental health problems or age that significantly impairs the Lawyer’s ability to practice law.

“Fiduciary Entity” means a partnership, limited liability company, professional corporation, or a limited liability partnership, in which entity a Lawyer is practicing with one or more other members of the Bar of this State who are partners, shareholders or owners.

“Lawyer” means a member of the Bar of this State who is engaged in the private practice of law in this State. “Lawyer” does not include a member of the Bar whose practice is solely as an employee of another Lawyer, a Fiduciary Entity or an organization that is not engaged in the private practice of law.

(b) Designation of Attorney Surrogate

- (1) At the time of completing the annual registration required by Ind. Admission and Discipline Rule 23 ~~Section 21(D)~~ 2(b), a Lawyer may designate an attorney surrogate on the annual registration form provided by the Clerk of the Supreme Court by specifying the name, office address and residence address of the attorney surrogate and certifying that the attorney surrogate has agreed to the designation in a writing in possession of both the lawyer and the surrogate. The designation of an attorney surrogate shall remain in effect until revoked by either the designated attorney surrogate or the Lawyer designating the attorney surrogate. The Lawyer who designates the attorney surrogate shall notify the Clerk of the Supreme Court of any change of designated attorney surrogate within thirty (30) days of such change. The Clerk shall keep a list of designated attorney surrogates and their addresses.
- (2) A Lawyer, practicing in a Fiduciary Entity, ~~will be deemed to have satisfied the requirements of this rule by stating~~ shall state the name and address of the Fiduciary Entity in the attorney surrogate designation section of the Lawyer’s annual registration form. Because of the ongoing responsibility of the Fiduciary Entity to the clients of the Lawyer, no attorney surrogate shall be appointed for a Fiduciary Entity.
- (3) Unless otherwise designated on the annual registration form required by Ind. Admission and Discipline Rule 23 § 21(D) pursuant to subsection (1) above, a Lawyer not practicing in a Fiduciary Entity will be deemed to designate a senior judge or other suitable member of the bar of this State in good standing appointed by a court of competent jurisdiction to perform the duties of an attorney surrogate.

(c) *Role of Attorney Surrogate*

(1) Upon notice that a Lawyer has:

- (a) died;
- (b) disappeared;
- (c) become disabled; or
- (d) been disbarred or suspended and has not fully complied with the provisions of Ind.

Admission and Discipline Rule 23, Section 26

any interested person (including a local bar association) or a designated attorney surrogate may file in a court of competent jurisdiction a verified petition (1) informing the court of the occurrence and (2) requesting appointment of an attorney surrogate.

- (2) A copy of the verified petition shall be served upon the Lawyer at the address on file with the Clerk of the Supreme Court of Indiana or, in the event the Lawyer has died, upon the personal representative, if one has been appointed. Upon the filing of the verified petition, the court shall, after notice and opportunity to be heard (which in no event shall be longer than ten (10) days from the date of service of the petition), determine whether there is an occurrence under (a), (b), (c) or (d), and an attorney surrogate needs to be appointed to act as custodian of the law practice. If the court finds that an attorney surrogate should be appointed then the court shall:

~~(a) appoint either the designated attorney surrogate as set forth pursuant to subsection (b)(1) or a suitable member of the Bar of this State in good standing as attorney surrogate, or~~

~~(b) appoint a senior judge or other suitable member of the Bar of this State in good standing deemed designated pursuant to subsection (b)(3).~~

appoint as attorney surrogate either the designated attorney surrogate as set forth pursuant to subsection (b)(1), a suitable member of the Bar of this State in good standing or a senior judge.

- (3) Upon such appointment, the attorney surrogate may:

- (a) take possession of and examine the files and records of the law practice, and obtain information as to any pending matters which may require attention;
- (b) notify persons and entities who appear to be clients of the Lawyer that it may be in their best interest to obtain replacement counsel;
- (c) apply for extensions of time pending employment of replacement counsel by the client;
- (d) file notices, motions and pleadings on behalf of the client where jurisdictional time limits are involved and other legal counsel has not yet been obtained;
- (e) give notice to appropriate persons and entities who may be affected, other than clients, that the attorney surrogate has been appointed;
- (f) arrange for the surrender or delivery of clients' papers or property;
- (g) as approved by the court, take possession of all trust accounts subject to Ind. Prof. Cond. R. 1.15(a), and take all appropriate actions with respect to such accounts;
- (h) deliver the file to the client; make referrals to replacement counsel with the agreement of the client; or accept representation of the client with the agreement of the client; and
- (i) do such other acts as the court may direct to carry out the purposes of this section.

- (4) If the attorney surrogate determines that conflicts of interest exist between the attorney surrogate's clients and the clients of the Lawyer, the attorney surrogate shall notify the

court of the existence of the conflict of interest with regard to the particular cases or files and the attorney surrogate shall take no action with regard to those cases or files

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Rule 29. Mandatory Continuing Legal Education

SECTION 1. PURPOSE.

The purpose of this Rule is to establish minimal continuing legal education requirements for each ~~attorney-Attorney~~ admitted to the Bar of the State of Indiana and each non-attorney judge.

SECTION 2. DEFINITIONS.

As used in this Rule:

- (a) Approved Courses shall mean those Substantive Legal Courses and those Non Legal Subject Matter Courses (as defined below), which are approved under the Commission's Accreditation Policies in the Guidelines to this Rule.
- (b) Attorney shall mean a person who has been admitted to practice law in the State of Indiana and whose name appears in the files of the Board of Law Examiners as provided under Admission and Discipline Rule 4.
- ~~(b)~~ (c) Bar shall mean the Indiana Bar and includes those persons who are Attorneys under subsection (a**b**) above.
- (e) (d) Business Day shall mean Monday, Tuesday, Wednesday, Thursday and Friday of each week but shall not include Federal or Indiana state holidays.
- ~~(d)~~ (e) Clerk shall mean Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court.
- (e) (f) Commission shall mean the Indiana Commission For Continuing Legal Education created by Section 4 of this Rule.
- (f) (g) Commissioner shall mean a person who is a member of the Commission.
- (g) (h) Educational Period shall mean a three-year period during which an Attorney or Judge must complete thirty-six (36) hours of ~~approved-Approved Courses continuing legal education activity.~~ Educational Periods shall be sequential, in that once an Attorney's particular three-year period terminates, a new three-year period and thirty-six hour minimum shall commence.
- ~~(h)~~ (i) Judge shall mean a regularly sitting Judge or other Judicial Officer in Indiana, including non- attorney Judges.
- ~~(i)~~ (j) Non Legal Subject Matter (NLS) Courses shall mean ~~those courses that enhance proficiency of a lawyer's area of practice.~~ the Commission approves for Non Legal Subject Matter credit pursuant to Section 3(a) of this Rule because, even though they lack substantive legal content, they nonetheless enhance an attendee's proficiency in the attorney's practice of law.
- ~~(j)~~ (k) Supreme Court shall mean the Supreme Court of the State of Indiana.
- ~~(k)~~ (l) Year shall mean calendar year unless otherwise specified in this Rule.
- ~~(l)~~ (m) Professional Responsibility Credits shall mean credits for topics that specifically address legal ethics or professional responsibility.
- ~~(m)~~ (n) Distance Education shall mean instructional delivery that does not constrain the student to be physically present in the same location as the instructor and does not require an attendant at the learning site to monitor attendance.

~~(n)~~ (o) *New Judge Orientation Program* shall mean the General Jurisdiction Orientation Program conducted by the Indiana Judicial Center.

SECTION 3. EDUCATION REQUIREMENTS.

(a) Every Attorney, except as provided below, and every Judge of a city, town or Marion County small claims court, who is not licensed as an Attorney, shall complete no less than six (6) hours of ~~approved~~ Approved Courses ~~continuing legal education~~ each year and shall complete no less than thirty-six (36) hours of ~~approved~~ Approved Courses ~~continuing legal education~~ each Educational Period. At least three (3) hours of ~~approved~~ Approved Courses ~~continuing legal education~~ in professional responsibility shall be included within the hours of continuing legal education required during each three (3) year Educational Period. Such hours may be integrated as part of a substantive program or as a free standing program. All credits for a single educational activity will be applied in one (1) calendar year. No more than twelve (12) hours of the Educational Period requirement shall be filled by Non Legal Subject Matter Courses.

(b) Every ~~trial judge~~ Trial Judge of a circuit, superior, probate or county court first elected or appointed to the bench after January 1, 2006 shall attend the next regularly scheduled New Judge Orientation Program following the date of the ~~judge's~~ Judge's election or appointment unless the Chief Justice of Indiana, for good cause shown in a written request, excused the ~~judge~~ Judge.

(c) Attorneys admitted to the Indiana Bar before December 31, 1998, on the basis of successfully passing the Indiana Bar examination, shall have a grace period of three (3) years commencing on January 1 of the year of admission and then shall commence meeting the minimum yearly and Educational Period requirements thereafter. Attorneys admitted after December 31, 1998, shall commence meeting the yearly and Educational Period requirements starting on January 1 after the year of their admission by completing programs designated by the Commission as appropriate for new lawyers.

For ~~attorneys~~ Attorneys admitted after December 31, 1998, at least six (6) of the thirty-six (36) Educational Period Requirements shall be satisfied by attending an Applied Professionalism Program for Newly Admitted ~~attorneys~~ Attorneys which has been accredited by the Commission.

(d) Attorneys admitted on foreign license or Attorneys who terminate their inactive status shall have no grace period. Their first three year Educational Period shall commence on January 1 of the year of admission or termination of inactive status.

(e) For Judges of city, town and Marion County small claims courts, who are not Attorneys, the first three year Educational Period shall commence on January 1 of the first full calendar year in office.

A Judge who fails to comply with the educational requirements of this rule shall be subject to suspension from office and to all sanctions under Section 10. A Judge so suspended shall be automatically reinstated upon compliance with Section 10(b) "Reinstatement Procedures". The Commission shall issue a statement reflecting reinstatement which shall also be sent to the Clerk to show on the Roll of Attorneys that the Judge is in good standing.

(f) In recognition of the nature of the work, commitment of time, and the benefit of ~~attorney~~ Attorney participation in the Indiana General Assembly, during an ~~attorney's~~ Attorney's Educational Period, for each calendar year in which the ~~attorney~~ Attorney serves as a member of the Indiana General Assembly for more than six (6) months, the ~~attorney's~~ Attorney's minimum number of continuing legal education hours for that Educational Period shall be reduced by six (6) hours.

SECTION 4. COMMISSION FOR CONTINUING LEGAL EDUCATION.

- (a) *Creation of the Commission.* A commission to be known as the Indiana Commission For Continuing Legal Education is hereby created and shall have the powers and duties hereinafter set forth. The Commission shall consist of eleven (11) Commissioners.
- (b) *Appointment of Commissioners and Executive Director.* All Commissioners and the Executive Director shall be appointed by the Supreme Court.
- (c) *Diversity of Commissioners.* It is generally desirable that the Commissioners be selected from various geographic areas and types of practice in order to reflect the diversity of the Bar and consideration should be given to the appointment of one (1) non-lawyer public member. The three (3) geographic divisions used for selecting judges Judges for the Indiana Court of Appeals in the First, Second and Third Districts may be used as a model for achieving geographic diversity.
- (d) *Terms of Commissioners.* Commissioners shall be appointed for five (5) year terms. All terms shall commence on January 1 and end on December 31. Any Commissioner who has served for all or part of two (2) consecutive terms shall not be reappointed to the Commission for at least three (3) consecutive years.

SECTION 5. ORGANIZATION OF THE COMMISSION.

- (a) *Election of Officers.* At the first meeting of the Commission after each October 1, the Commissioners shall elect from the membership of the Commission a Chair who shall preside at all meetings, a Vice Chair who shall preside in the absence of the Chair, a Secretary who shall be responsible for giving notices and keeping the minutes of the meetings of the Commission and a Treasurer who shall be responsible for keeping the records of account of the Commission.
- (b) *Meetings.* The Commission shall meet at least twice each year at times and places designated by the Chair. The Chair, the Executive Committee or any six (6) Commissioners may call special meetings of the Commission.
- (c) *Notices.* The Secretary shall send notice of each meeting of the Commission, stating the purposes of the meeting, to all Commissioners at least five (5) business days before the meeting. Commissioners may waive notice of a meeting by attending the meeting or by delivering a written waiver to the Secretary either before or after the meeting.
- (d) *Quorum.* Six (6) Commissioners shall constitute a quorum for the transaction of business. The Commission shall act by a majority of the Commissioners constituting the quorum. Commissioners may participate in meetings of the Commission and committees thereof by telephone or other similar device.
- (e) *Vacancies.* Any vacancy on the Commission shall be filled as soon as practical and the new Commissioner so appointed shall serve out the unexpired term of the Commissioner being replaced.
- (f) *Executive Committee.* The officers of the Commission described in subsection (a) of this Section shall comprise the Executive Committee which shall have the power to conduct all necessary business of the Commission that may arise between meetings of the full Commission. Three (3) officers of the Commission shall constitute a quorum of the Executive Committee, and the Executive Committee shall act by a vote of a majority of the officers constituting the quorum. All action taken by the Executive Committee shall be reported to the full Commission at its next meeting.
- (g) *Other Committees.* The Commission may appoint such other committees having such powers and duties as the Commission may determine from time to time.

SECTION 6. POWERS AND DUTIES OF THE COMMISSION AND EXECUTIVE DIRECTOR.

(a) In addition to the powers and duties set forth in this Rule, the Commission shall have the power and duty to:

1. Approve all or portions of individual educational activities which satisfy the legal education requirements of this Rule.
2. Approve ~~sponsors~~ Sponsors who meet the Requirements of Section 4 of the Commission's Guidelines and whose educational activities satisfy the legal education requirements of this Rule. The Judicial Conference and all seminars conducted by the Judicial Center shall be approved for credit .
3. Determine the number of credit hours allowed for each educational activity.
4. Establish an office to provide administrative and financial record-keeping support of the Commission and to employ such persons, sponsors, or providers as the Commission may in its discretion determine to be necessary to assist in administering matters solely of a ministerial nature under this Rule.
5. Review this Rule and Commission Guidelines from time to time and make recommendations to the Supreme Court for changes.
6. Upon approval of the Supreme Court publish proposed guidelines and procedures through West Publishing Company and Res Gestae and file the proposed guidelines and procedures with the Clerk.
7. Provide quarterly financial reports and an annual report of the Commission activity to the Chief Justice of the Supreme Court. A proposed budget for the coming fiscal year (July 1-June 30) shall be submitted to the Chief Justice no later than May 1 of each year.
8. Do all other things necessary and proper to carry out its powers and duties under this Rule.
9. Perform all other duties as set forth in Indiana Admission and Discipline Rule 30 and The Indiana Alternative Dispute Resolution Rules.

(b) In addition to the powers and duties set forth in this Rule, the Executive Director shall have the power and the duty to:

1. Administer the Commission's work.
2. Appoint, with the approval of the Commission, such staff as may be necessary to assist the Commission to carry out its powers and duties under this Rule.
3. Supervise and direct the work of the Commission's staff.
4. Supervise the maintenance of the Commission's records.
5. Enforce the collection of fees attorneys, mediators and independent certifying organizations must pay pursuant to this Rule, Admission and Discipline Rule 30 and that Indiana Alternative Dispute Resolution Rules.
6. Enforce the continuing legal education requirements of ~~judges~~ Judges and ~~lawyers~~ Attorneys under this Rule.
7. Assist the Commission in developing guidelines.
8. Perform such other duties as may be assigned by the Commission in the furtherance of its responsibilities hereunder.

SECTION 7. SOURCES AND USES OF FUNDS.

(a) The Indiana Supreme Court shall periodically designate a portion of the registration fee charged to attorneys pursuant to Admission and Discipline Rule 2 to be used for the operations

of the Commission on Continuing Legal Education. The Executive Director of the Commission shall deposit such funds into an account designated "Supreme Court Continuing Legal Education Fund."

(b) Disbursements from the fund shall be made solely upon vouchers signed by or pursuant to the direction of the Chief Justice of this Court.

(c) The Supreme Court shall specifically approve all salaries to be paid out of Continuing Legal Education Fund.

(d) Not later than May 1 of each year, the Commission shall submit for approval by the Supreme Court an operating budget for July 1 to June 30 of the following fiscal year.

(e) Commissioners shall be paid one hundred dollars (\$100) for each meeting of the Commission they attend and be reimbursed for expenses in accordance with guidelines established by the State of Indiana.

SECTION 8. EXEMPTIONS AND OTHER RELIEF FROM THE RULE.

(a) An Attorney or Judge shall be exempted from the educational requirements of the Rule for such period of time as shall be deemed reasonable by the Commission upon the filing of a verified petition with the Commission and a finding by the Commission that special circumstances unique to the petitioning Attorney or Judge have created undue hardship. Subsequent exemptions may be granted.

(b) The educational requirements imposed on ~~judges~~ Judges and full-time magistrates of the United States Supreme Court, Courts of Appeal, District Courts and Bankruptcy Courts are deemed to satisfy the requirements of this Rule. Thus such ~~judges~~ Judges and magistrates shall be exempt from this Rule.

(c) An Attorney or Judge who is physically impaired shall be entitled to establish an alternative method of completing the educational requirements of this Rule upon the filing of a verified petition with the Commission and a finding by the Commission that the alternative method proposed is necessary and consistent with the educational intent of this Rule. Any petition filed under this subsection shall contain a description of the physical impairment, a statement from a physician as to the nature and duration of the impairment, a waiver of any privileged information as to the impairment and a detailed proposal for an alternative educational method.

(d) An Attorney shall be exempt from the educational and reporting requirements of this Rule if the Attorney has filed an affidavit of inactivity or a retirement affidavit under Section 21(b) of Rule 23 of the Supreme Court. An Attorney who has been inactive for less than a year, and desires to resume active status, shall complete any balance of his or her yearly or Educational Period requirements as of the date of inactive status.

(e) An Attorney or Judge who believes that he or she will be unable to make timely compliance with the educational requirements imposed by this Rule may seek relief from a specific compliance date by filing a verified petition with the Commission. The petition shall set forth reasons from which the Commission can determine whether to extend such compliance date. A petition seeking such an extension of time must be filed as much in advance of the applicable compliance date as the reasons which form the basis of the request afford. The Commission, upon receipt and consideration of such petition, shall decide if sufficient reasons exist, and may grant an extension for such period of time as shall be deemed reasonable by the Commission. In no event shall such an extension be granted beyond the time when the next compliance date, as required by the Rule, occurs.

SECTION 9. ANNUAL REPORTING TO ATTORNEYS AND JUDGES.

(a) On or before October 1 of each year, the Commission shall mail to each Attorney or Judge, a statement showing the ~~approved~~ Approved Courses ~~educational activities~~ which the Attorney or Judge is credited on the records of the Commission with having attended during the current year and the current Educational Period. This statement will be sent to the address for the Attorney or Judge listed on the Roll of Attorneys maintained by the Clerk. An Attorney or Judge shall at all times keep his or her address current with the Roll of Attorneys. If the Attorney or Judge has completed the minimum hours for the year or Educational Period, the statement will so reflect and inform the Attorney or Judge that he or she is currently in compliance with the education requirements of the Rule. It shall not be a defense to noncompliance that an Attorney or Judge has not received an annual statement. Additional statements will be provided to an Attorney or Judge upon written request and a five dollar (\$5.00) fee made payable to the Continuing Legal Education Fund.

If the statement shows the Attorney or Judge is deficient in educational hours, but the Attorney or Judge believes he or she is in compliance for the year or Educational Period the Attorney or Judge shall file a letter of explanation, a Sponsor certification of course attendance, a personal affidavit of attendance, and an application for course accreditation. The documents required by this subsection shall be filed by December 31 of the year or Educational Period in question unless an extension of time to file the same has been granted by the Commission. When an Attorney or Judge has resolved the above discrepancies, the Commission shall issue a statement showing that the Attorney or Judge is in compliance with the Rule for the year or Educational Period. In the event credit is not granted, the Attorney or Judge shall have thirty (30) days after written notification of that fact to comply with the educational requirements. Failure to do so will result in referral to the Supreme Court for suspension.

(b) If the statement incorrectly reflects that the Attorney or Judge has completed the minimum hours for the year or the Educational Period, then it shall be the duty of the Attorney or Judge to notify the Commission and to complete the educational requirements mandated by this Rule.

SECTION 10. SANCTIONS AND REINSTATEMENTS.

(a) *Sanctions.* On January 1, a \$150.00 late fee accrues against each Attorney or Judge who has not met his/her yearly or Educational Period requirements for the period ending December 31st of the previous year. On February 1 of each year the Commission shall mail a notice assessing a \$150.00 late fee to those Attorneys or Judges who are shown as not having completed the yearly or Educational Period requirements. The Commission will consider the Attorney or Judge delinquent for CLE until both certification of attendance at a CLE program and payment of the late fee are received. Late fees and surcharges are to be deposited by the Commission immediately upon receipt. If the delinquent Attorney or Judge has not fulfilled the yearly or educational period requirements at the time the Court issues an order suspending that Attorney or Judge, the delinquency fee is forfeited. If the ~~attorney~~ Attorney or ~~judge~~ Judge is reinstated to the practice of law pursuant to the provisions of Admission and Discipline Rule 29(10) within one year of suspension, any forfeited late fee shall be credited toward the reinstatement fee. A \$100.00 surcharge will be added to the late fee for each consecutive year for which an Attorney or Judge fails to timely comply with CLE requirements.

On May 1 of each year, a list of those Attorneys or Judges still failing to complete the yearly or Educational Period requirements will be submitted to the Supreme Court for immediate

suspension from practice of law. These Attorneys or Judges will suffer the suspension of their license to practice law and all related penalties until they are reinstated.

(b) *Reinstatement Procedures.* An Attorney or Judge suspended shall be automatically reinstated upon petition to the Commission and payment of a \$200.00 reinstatement fee in addition to any applicable surcharge. The petition must demonstrate the petitioner's compliance according to the following reinstatement schedule:

(i) (1) for a suspension of one year or less the petitioner must, between the date of suspension and the date of the petition for reinstatement:

(a) complete the hours required to satisfy the deficiency which resulted in the suspension; and

(b) complete 6 additional hours of ~~approved~~ Approved Courses ~~continuing legal education~~ in a separate course or courses;

(ii) (2) for a suspension of more than one year a petitioner must, between the date of suspension and the date of the petition for reinstatement:

(a) complete the hours required to satisfy the deficiency which resulted in the suspension;

(b) complete 36 hours of ~~approved~~ Approved Courses ~~continuing legal education~~, 12 hours of which must have been completed within the last twelve month period prior to the date of the petition; and

(c) begin a new Educational Period as of January 1st of the year of reinstatement pursuant to Section 3a of this Rule.

The Commission shall issue a statement reflecting reinstatement which shall also be sent to the Clerk to show on the roll of attorneys that the Attorney or Judge is in good standing. An Attorney suspended by the Supreme Court who continues to practice law shall be subject to the sanctions for the unauthorized practice of law.

Extensions to provide course attendance certifications for courses which were timely taken may be granted for good cause shown; extensions of time to complete educational requirements are not permitted except under *Section 8* of this Rule. Providing or procuring of false certifications of attendance at educational courses shall be subject to appropriate discipline under the Admission and Discipline Rules.

...

Mandatory Continuing Legal Education Guidelines

SECTION 1. AUTHORITY AND PUBLICATION OF GUIDELINES.

These guidelines have been adopted by the Court under Section 6(f) of the Rule in furtherance of the efficient discharge of the Commission's duties.

The Commission shall:

(a) file a copy of these guidelines with the Clerk;

(b) cause these guidelines to be published from time to time as revised in a pamphlet or brochure along with the full text of the Rule and any other materials deemed useful by the Commission in assisting Attorneys, Judges and Sponsors to understand and comply with the Rule;

(c) cause these guidelines and the full text of the Rule to be sent to the West Publishing Company of St. Paul, Minnesota, with a request that they be published in the Northeast Reporter; and

(d) cause these guidelines and the full text of the Rule to be sent to the Editors of Res Gestae with a request that they be published.

SECTION 2. DEFINITIONS.

All of the definitions found in Section 2 of the Rule are applicable in these guidelines. In addition, as used in these guidelines:

(a) *Approved Courses Continuing Legal Education* shall mean any course, approved by the Commission under Section 3 of these Guidelines, or conducted by an ~~approved~~ Approved sponsor ~~Sponsor~~ which meets the requirements of Section 3 of these Guidelines.

(b) *Approved Sponsor* shall mean any person approved under Section 4 of these Guidelines.

(c) *Course* shall mean any educational seminar, institute or program which is designed to contribute to the continuing legal education of Attorneys and Judges.

(d) *Enroll* shall mean registration for and attendance at a course.

(e) *Person* shall mean an individual, partnership, corporation or any other organization.

(f) *Rule* shall mean Admission and Discipline Rule 29 on Mandatory Continuing Legal Education.

(g) *Sponsor* shall mean a ~~person~~ Person who conducts or presents a course.

SECTION 3. ACCREDITATION POLICIES.

(a) *Approval of Courses.* The Commission shall approve the course if it determines that the course will make a significant contribution to the professional competency of Attorneys or Judges who enroll. In determining if a course meets this standard the Commission shall consider whether:

(i) (1) the course has substantial legal content.

(ii) (2) the course deals with matters related directly to the practice of law or the professional responsibility of Attorneys or Judges.

(iii) (3) each faculty member who has teaching responsibility in the course is qualified by academic work or practical experience to teach the assigned subject.

(iv) (4) the physical setting for the course is suitable, including the availability of a writing surface and accessibility to persons with disabilities.

(v) (5) high quality written materials including notes and outlines are available at or prior to the time the course is offered to all Attorneys or Judges who enroll.

(vi) (6) the course is of sufficient length to provide a substantial educational experience. Courses of less than one (1) hour will be reviewed carefully to determine if they furnish a substantial educational experience.

(vii) (7) there are live presentations; or there is a licensed Indiana ~~attorney~~ Attorney, whose function shall be to certify attendance to accompany the replaying of tapes.

(viii) (8) the applicant has sufficiently identified those portions of a seminar that should be accredited. It shall be the duty of an applicant to apply separately for accreditation of the legal portions of a seminar, where the substance of a seminar is not entirely legal. The Commission may deny accreditation for an entire program where separate application is not made and where a significant portion of the program is not continuing legal education.

(ix) (9) the course is designed for and targeted to Attorneys or Judges.

(10) any attendance restrictions are grounded in a bona fide educational objective to enhance the CLE activity. The Commission may deny accreditation to any course that restricts or that a reasonable person would perceive to restrict attendance based upon a classification protected by Indiana state law, federal law or by the Indiana Rules of Professional Conduct.

(b) *Approval of Other Educational Activities.*

(i) (1) Credit may be given for the following legal subject matter courses:

(a) *Law School Courses.* An Attorney or Judge who attends a regularly conducted class at a law school approved by the American Bar Association. The number of credits may not exceed 24 hours for a single law school activity.

(b) *Bar Review Courses.* An Attorney or Judge who completes a bar review course may apply for continuing legal education credit. The number of credits may not exceed 24 hours for the course.

(c) *Commission-Accredited Basic Mediation Training Course.* An Attorney or Judge who completes a basic mediation training course approved by the Commission for mediation training shall receive 24 hours.

(d) *Court Administration Courses.* Courses directed at improving docket management and court administration shall be approved.

(e) *Ethics Concentrated Law Firm Management Courses.* An Attorney or Judge who attends a law firm management course with a concentration on: Trust accounting, ethical client contact, and ethical use of staff and resources may apply for credit. Any portion of the course dealing with marketing of services; or profit enhancement, ~~and stress management~~ will be denied credit.

(f) *Teaching Approved Courses.* An Attorney or Judge who participates as a teacher, lecturer, panelist or author in an approved continuing legal education course will receive credit for:

(1) (i) Four (4) hours of approved continuing legal education for every hour spent in presentation.

(2) (ii) One (1) hour of continuing legal education credit for every four (4) hours of preparation time (up to a maximum of six (6) hours of credit) for a contributing author who does not make a presentation relating to the materials prepared.

(3) (iii) One (1) hour of approved continuing legal education for every hour the Attorney or Judge spends in attendance at sessions of a course other than those in which the Attorney or Judge participates as a teacher, lecturer or panel member.

(4) (iv) Attorneys or Judges will not receive credit for acting as a speaker, lecturer or panelist on a program directed to non-attorneys.

(ii) (2) Limited Subject to the 12-hour limitation set forth in Rule 29, Section 3(a), credit may also be given for non-legal subject matter NLS courses. ~~The Commission promotes the competency of Attorneys in the practice of law. The Commission acknowledges there are some Non Legal Subject Matter Courses which enhance an Attorney's competency in his or her individual practice. An Attorney or Judge who make an application may receive a maximum of twelve (12) hours per Educational Period from Non Legal Subject Matter Courses. An Attorney must demonstrate that the Non Legal Subject Matter Course will enhance that Attorney's individual practice. A Sponsor may not apply for or receive general accreditation of a Non Legal Subject Matter Course. The following is a non-exclusive list of courses that may be accredited under this section:~~

(a) Sponsor Applications for NLS course approval. A sponsor may apply for and receive accreditation of an NLS course. An NLS course may be approved without

reference to Section 3(a)(1) of these guidelines. The following is a non-exclusive list of courses that may be accredited under this section:

- ~~(a)~~ (i) Law firm management courses. ~~An Attorney Sponsor~~ may apply for accreditation of a law office management course that does not meet the criteria of ~~(f)~~ (e) Ethics Concentrated Law Firm Management courses (above). To be accredited, the course must deal with law firm management as opposed to office management in general. Further, the course must be directed to Attorneys or law office administrators. Any portions of the course dealing mainly with profit enhancement or marketing of services will be denied credit.
- ~~(b)~~ (ii) Medicine. Orthopaedics or Anatomy for Lawyers.
- ~~(c)~~ (iii) Accounting for Lawyers.
- ~~(d)~~ (iv) Teaching Administration Skills for Law School Teachers.
- ~~(e)~~ (v) Wellness Courses specifically targeted to Attorneys and Judges.

(b) Attorney Application for NLS Course Approval. In addition, individual Attorneys and Judges may apply for NLS credit for a course that does not deal with matters directly related to the practice of law. NLS credit may be approved without reference to Sections 3 (a)(1)(2) and (9) of these guidelines if the course directly related to a subject matter directly applicable to the applicant's practice. The following are non-exclusive examples of courses for which individual credit may be awarded under this provision:

- (i) Courses in anatomy or other field of medicine, when credit is sought by an Attorney whose practice includes medical malpractice.
- (ii) Courses in construction, engineering or architecture, when credit is sought by an Attorney whose practice includes construction contracting or litigation.
- (iii) Courses in financial planning, when credit is sought by an Attorney whose practice includes estate planning.

(iii) (3) Professional Responsibility Credit shall be given when a topic has professional responsibility or ethics as its main focus, and the course has at least one-half (1/2) hour of professional responsibility content.

(a) An Approved Sponsor must separately designate Professional Responsibility Credits when certifying attendance to the Commission.

(b) A Non-Approved Sponsor must separately request Professional Responsibility Credits on an application provided by the Commission.

(iv) (4) Approved In-house education. In-house programs include those primarily designed for the exclusive benefit of attorneys Attorneys employed by a private organization or law firm. In-house programs also include those programs presented only to those attorneys Attorneys and/or their clients, even if the program was not designed for those attorneys Attorneys. Attorneys within related companies are considered to be employed by the same organization or law firm for purposes of this rule. In-house education programs may become approved where the education is provided by a judge Judge, attorney Attorney or sponsor Sponsor of legal education who is not a member, employee or acting of counsel of the participating organization or law firm. In-house CLE is subject to the following limitations and requirements:

(a) Limited credit may be given for courses taught in-house. Non-governmental or non-academic attorneys Attorneys may report up to three hours per three-year educational period for in-house programs that have been accredited by the

Commission. Governmental or academic ~~attorney~~ Attorney employees may receive unlimited CLE for these courses sponsored by their employers for the exclusive benefit of their ~~attorney~~ Attorney employees.

(b) To be accredited, the ~~attorney~~ Attorney or ~~sponsor~~ Sponsor must apply for accreditation at least 30 days before the course is presented, using an Application for Accreditation. Additionally, the ~~sponsor~~ Sponsor or ~~attorney~~ Attorney must demonstrate the facts set forth in paragraph ~~vi~~ 6 below.

(v) (5) Distance education courses. Limited credit may be given for courses taken through distance education methods. An ~~attorney~~ Attorney or ~~judge~~ Judge may receive up to six (6) hours of CLE through interactive distance education during an educational period. To be accredited, the ~~attorney~~ Attorney, ~~Judge~~ Judge or ~~sponsor~~ Sponsor must apply for accreditation at least 30 days before the course is presented using an Application for Accreditation. Additionally, the ~~sponsor~~ Sponsor, ~~Attorney~~ Attorney or ~~Judge~~ Judge ~~attorney~~ must demonstrate the facts set forth in paragraph ~~vi~~ 6 below.

(vi) (6) Accreditation of in-house and distance education courses. The ~~sponsor~~ Sponsor, ~~Attorney~~ Attorney or ~~Judge~~ Judge ~~attorney~~ must demonstrate that:

- (a) the course is designed for and targeted to ~~attorneys~~ Attorneys or ~~judges~~ Judges;
- (b) continuing attendance is monitored and evidence of continuing attendance and/or participation is provided by the sponsor to the Commission in conformance with such guidelines as the Commission may develop;
- (c) the ~~sponsor~~ Sponsor will provide a certificate of continuing attendance to the Commission;
- (d) in content and style the program meets standards of educational quality as determined by the Commission;
- (e) in the case of distance education courses, meaningful technical assistance will be provided at times and in ways reasonable to the ~~attorney~~-attendee;
- (f) the course has substantial legal content (non legal subject credit is not available through in-house programs);
- (g) the course deals with matters related directly to the practice of law or the professional responsibility of Attorneys or Judges;
- (h) each faculty member who has teaching responsibility in the course is qualified by academic work or practical experience to teach the assigned subject;
- (i) high quality written materials are available either through paper format or electronic format to accompany the instruction either at or prior to the time the course is offered;
- (j) in the case of distance education courses, the program is not text-based;
- (k) in the case of distance education courses, either audio or video or both are provided; and,
- (l) the ~~sponsor~~ Sponsor will allow the Commission and its Executive Director or designated appointee to audit the course for regulation purposes.

(vii) (7) Credit will be denied for the following activities:

- (a) Legislative, lobbying or other law-making activities.
- (b) Self-study activities. Courses or activities completed by self-study will be denied credit unless approved under Section 8(c) of this rule.

(c) Procedure for Sponsors. Any Sponsor may apply to the Commission for approval of a course. The application must:

- (i) (1) be submitted to the Commission at least thirty (30) days before the first date on which the course is to be offered;
- (ii) (2) contain the information required by and be in the form approved by the Commission and available upon request; and
- (iii) (3) be accompanied by the written course outline and brochure used to furnish information about the course to Attorneys or Judges.

(d) Procedure for Attorneys and Judges. An Attorney or Judge may apply for credit of a ~~non-distance education course or non-legal subject course~~ either before or after the date on which it is offered. Application for accreditation of a distance education course or in-house course must be made at least 30 days prior to the Course. The application must:

- (i) (1) contain the information required by and be in the form set forth in the application approved by the Commission and available upon request;
- (ii) (2) be accompanied by the written course outline and brochure used by the Sponsor to furnish information about the course to Attorneys or Judges; and
- (iii) (3) be accompanied by an affidavit of the Attorney or Judge attesting that the Attorney or Judge attended the course together with a certification of the course Sponsor as to the Attorney's or Judge's attendance. If the application for course approval is made before attendance, this affidavit and certification requirement shall be fulfilled within thirty (30) days after course attendance.

(e) Executive Director's Discretionary Powers. The Executive Director of the Indiana Commission for Continuing Legal Education may use discretion in waiving the 30-day pre-program application requirements of b (4) (b), b (5), and (d) of Section 3 of these Guidelines upon a showing of good cause by the applicant.

SECTION 4. APPROVAL OF SPONSORS.

(a) **Procedure.** A Person may apply to the Commission for approval as a Sponsor of continuing legal education activity. The application submitted to the Commission must contain the information required by and be in the form approved by the Commission and available upon request in the Commission office. A Person becomes an Approved Sponsor when the Commission places a Person's name on the list of Approved Sponsors .

(b) **Standard for Approval.** The Commission shall approve the Person as a Sponsor if the Commission finds that the Person has conducted and is prepared to conduct on a regular basis programs which, if considered on an individual basis, would satisfy the standards for course approval set out in Section 3(a) of these Guidelines.

In order to determine whether a Sponsor should be granted Approved Sponsor status, the Commission may consider the following:

- (1) Whether the Sponsor has presented a minimum of an average of five Approved Courses per year for the previous three years.
- (2) Whether the courses within the previous three years were substantively legal and primarily targeted to Attorneys or Judges.
- (3) Whether the Sponsor has observed Commission Rules, Guidelines and Policies with regard to advertising, application requirements and attendance reporting.

(4) Whether courses within the previous three years were high quality and advanced the education of Attorneys or Judges.

(5) Whether the Sponsor has substantially complied with requests from the Commission.

(6) Whether courses have been denied accreditation by the Commission during the previous three years and the reasons for the denials.

(c) **Review of Approved Sponsors.** The Commission shall periodically audit approved Approved Sponsors. If the Person fails to conduct approvable courses on a regular basis, the Person shall be removed from the Commission's list of Approved Sponsors. In order to remain an Approved Sponsor, a Sponsor must certify to the Commission the name and attorney number of all Indiana Attorneys and Judges who attend any Continuing Legal Education Program.

(d) **Presumption of Course Accreditation.** Courses presented by an Approved Sponsor are presumed to satisfy the education requirements of Section 3 of the Rule; provided however, courses which do not meet requirements of Section 3(a) of these Guidelines will be denied credit. Approved Sponsors must seek approval of courses of less than one (1) hour duration under Section 3 of these Guidelines.

SECTION 5. PROCEDURE FOR RESOLVING DISPUTES.

Any Person who disagrees with a decision of the Commission and is unable to resolve the disagreement informally, may petition the Commission for a resolution of the dispute. Petitions pursuant to this Section shall be considered by the Commission at its next regular meeting, provided that the petition is received by the Commission at least ten (10) business days before such meeting. The Person filing the petition shall have the right to attend the Commission meeting at which the petition is considered and to present relevant evidence and arguments to the Commission. The rules of pleading and practice in civil cases shall not apply, and the proceedings shall be informal as directed by the Chair. The determination of the Commission shall be final subject to appeal directly to the Supreme Court.

SECTION 6. CONFIDENTIALITY.

Filings with the Commission shall be confidential. These filings shall not be disclosed except in furtherance of the duties of the Commission or upon the request, by the Attorney, Judge or Sponsor involved, or as directed by the Supreme Court.

SECTION 7. RULES FOR DETERMINING EDUCATION COMPLETED.

(a) **Formula.** The number of hours of continuing legal education completed in any course by an Attorney shall be computed by:

- (i) (1) Determining the total instruction time expressed in minutes;
 - (ii) (2) Dividing the total instruction time by sixty (60); and
 - (iii) (3) Rounding the quotient up to the nearest one-tenth (1/10).
- Stated in an equation the formula is:

Total Instruction Time (in minutes) = Hours completed

Sixty (60)

(rounded up to nearest 1/10)

(b) **Instruction Time Defined.** Instruction time is the amount of time when a course is in session and presentations or other educational activities are in progress. Instruction time does not include time spent on:

- (i)(1) Introductory remarks;
- (ii)(2) Breaks; or

(iii)(3) Business meetings.

SECTION 8. REPORT OF SPONSOR.

The Sponsor shall, within thirty (30) days after the course is presented, submit to the Commission an alphabetical list including ~~Attorney~~ attorney numbers of all Attorneys admitted in Indiana and Indiana Judges who have attended the course. This list shall be certified by the Sponsor and include the hours to be credited to each Attorney and Judge for attendance and speaking.

If the course is presented by an Approved Sponsor under Section 4 of these Guidelines, the Sponsor shall submit a copy of the outline and brochure by which information about the program was furnished to Attorneys or Judges.

SECTION 9. USE OF THE OFFICIAL LEGEND OF THE COMMISSION.

(a) **Legend of the Commission.** The Commission has adopted the official legend set forth in subsection (c) of this Section as a symbol of approval of continuing legal education activity. This legend is the subject of copyright and may not be used in advertisement or publicity for a course unless the Sponsor complies with the requirements of subsection (b) of this Section.

(b) A Sponsor of ~~approved~~ Approved Courses ~~continuing legal education~~ may use the legend set forth in subsection (c) of this Section if the Sponsor agrees to report hours of credit and submit materials under Section ~~6~~ 8 of these Guidelines.

(c) This legend which may be utilized by Sponsors is:

THIS COURSE HAS BEEN APPROVED BY THE COMMISSION ~~ON~~ FOR
CONTINUING LEGAL EDUCATION OF THE STATE OF INDIANA. ATTORNEYS OR
JUDGES WHO COMPLETE THIS COURSE SHALL RECEIVE

1. HOURS OF SUBSTANTIVE CONTINUING EDUCATION, INCLUDING
(BLANK) HOURS OF ETHICS, OR

2. HOURS OF NLS CONTINUING EDUCATION HOURS

UNDER INDIANA SUPREME COURT ADMISSION AND DISCIPLINE RULE 29 ON
MANDATORY CONTINUING LEGAL EDUCATION. THE SPONSOR OF THIS
COURSE IS OBLIGATED TO REPORT THE HOURS OF CONTINUING EDUCATION
COMPLETED BY AN ATTORNEY OR JUDGE.

...

These amendments shall take effect January 1, 2009.

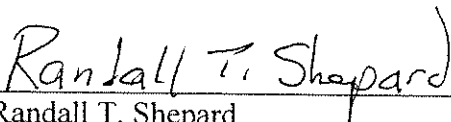
The Clerk of this Court is directed to forward a copy of this Order to the Clerk of each Circuit Court in the State of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial

Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 9th day of September, 2008.


Randall T. Shepard
Chief Justice of Indiana

All Justices concur.